

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2540 - SB 2460

June 1, 2020

SUMMARY OF ORIGINAL BILL: Clarifies that a clerk of the court must offer a payment plan after one year from the date of the completion of the sentence.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (017937): Deletes all language after the enacting clause. Changes the allocation formula of criminal fine payment, such that the first moneys paid in any case must first be credited toward the payment of restitution owed to the victim, followed by the order of the current structure. Effective October 1, 2020.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 40-24-105(a), the allocation formula for moneys paid into court is: the first moneys paid in any case shall first be credited toward payment of litigation taxes and once litigation taxes have been paid, the next moneys shall be credited toward payment of costs; then additional moneys shall be credited toward payment of the fine.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant.
- This legislation will not significantly impact total litigation taxes or fines collected.
- Some revenue collection may shift back; however, the total amount of tax and fine revenue received over time is not expected to change significantly. Therefore, there will be no significant impact to state and local revenue.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid, with the first name "Krista" and last name "Carsner" being more prominent than the middle name "Lee".

Krista Lee Carsner, Executive Director

/jmg